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July 6, 2023

The Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: 1:23-cv-03187-PGG; Plaintiff's Request for an Adjournment of the Initial Pretrial Conference

Dear Judge Gardephe,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference until after the Defendant has been named and served.

On April 17, 2023, Plaintiff filed the instant case against John Doe subscriber assigned IP address 68.160.231.97 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On May 2, 2023, Plaintiff filed a Letter Motion for Leave to File a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP. [CM/ECF 7].

On May 4, 2023, the Court entered an Order granting Plaintiff leave to serve a third-party subpoena [CM/ECF 8].

Plaintiff served Defendant's ISP with a third-party subpoena on or about May 15, 2023, and in accordance with the time allowances provided to both the ISP and Defendant, expected to receive the ISP response on or about June 29, 2023.

As of the date of this filing, Plaintiff has not yet received the ISP response. Plaintiff will follow up with the ISP regarding the overdue response.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was originally required to effectuate service on the Defendant no later than July 16, 2023. Because Defendant's identity is currently

unknown to Plaintiff, on July 3, 2023, Plaintiff filed its First Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant (“First Letter Motion for Extension”). [CM/ECF 9].

On July 6, 2023, the Court granted Plaintiff’s First Letter Motion for Extension, extending the deadline to effect service of process to September 14, 2023. [CM/ECF 10].

Pursuant to the Initial Pretrial Scheduling Order entered on April 20, 2023 there is an Initial Conference scheduled for July 13, 2023 at 11:15 a.m. [CM/ECF 6]. Because Defendant’s identity is currently unknown to Plaintiff, Plaintiff is unable to confer with counsel for Defendant at this time and submit a joint letter and proposed Case Management Plan.

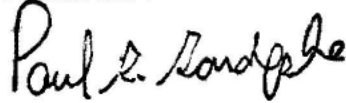
For the foregoing reasons, Plaintiff respectfully requests that the Initial Pretrial Conference currently scheduled for July 13, 2023 be adjourned until after the Defendant has been named and served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James
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MEMO ENDORSED: The conference scheduled for July 13, 2023 is adjourned to **October 5, 2023 at 10:00 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: July 12, 2023